

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA	.	Criminal No. 1:19cr201
	.	
vs.	.	Alexandria, Virginia
	.	June 26, 2020
GEORGE AREF NADER,	.	11:09 a.m.
	.	
Defendant.	.	
	.	
. . . . .	.	

TRANSCRIPT OF SENTENCING  
BEFORE THE HONORABLE LEONIE M. BRINKEMA  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE GOVERNMENT:	JAY V. PRABHU, AUSA MELISSA L. CHONG, SAUSA United States Attorney's Office 2100 Jamieson Avenue Alexandria, VA 22314
FOR THE DEFENDANT:	JONATHAN S. JEFFRESS, ESQ. COURTNEY R. FORREST, ESQ. EMILY A. VOSHELL, ESQ. KaiserDillon PLLC 1099 14th Street, N.W. 8th Floor West Washington, D.C. 20005 and JOHN N. NASSIKAS, III, ESQ. Arnold & Porter Kaye Scholer LLP 601 Massachusetts Avenue, N.W. Washington, D.C. 20001-3743
CZECH INTERPRETER:	ZUZANA ARATA
OFFICIAL COURT REPORTER:	ANNELIESE J. THOMSON, RDR, CRR U.S. District Court, Third Floor 401 Courthouse Square Alexandria, VA 22314 (703)299-8595

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COMPUTERIZED TRANSCRIPTION OF STENOGRAPHIC NOTES

1 P R O C E E D I N G S

2 (Defendant present.)

3 THE CLERK: Criminal Case 19-201, United States of  
4 America v. George Aref Nader. Would counsel please note their  
5 appearances for the record.

6 MR. PRABHU: Jay Prabhu and Melissa Chong for the  
7 government, Your Honor. Good morning.

8 THE COURT: Good morning.

9 MR. JEFFRESS: Good morning, Your Honor. John  
10 Jeffress, John Nassikas, Emily Voshell, and Courtney Forrest on  
11 behalf of Mr. Nader.

12 THE COURT: Good morning. And, counsel, you may take  
13 off your mask if you want to.

14 MR. JEFFRESS: Thank you.

15 THE COURT: We've got the guards up now.

16 All right. Mr. Jeffress, have you had -- no, you may  
17 stay there. Have you had enough time to go over the  
18 presentence report yourself and with your client?

19 MR. JEFFRESS: Yes, Your Honor.

20 THE COURT: Now, I know you've raised various  
21 guideline disputes. To put your mind at ease, I'm comfortable  
22 with the plea agreement and what's going to be recommended in  
23 that -- what was recommended in the plea agreement, and so I  
24 don't need and am not going to address the nuanced arguments  
25 you've made about the guidelines.

1 MR. JEFFRESS: Thank you, Your Honor.

2 THE COURT: I do think that the probation officer's  
3 explanation as to why she made those particular calculations is  
4 justified, so I'm leaving the presentence report as it is, and  
5 the calculation there was an offense level of 42. Your client  
6 has a criminal history of I. There's an advisory guideline  
7 range of 360 to 600 months as to Count 1. The period of  
8 supervised release is five years to life. The same applies to  
9 Count 2. The fine range is \$25,000 to \$250,000, and there is a  
10 total of \$200 of special assessments because there are two  
11 counts of conviction.

12 Correct?

13 MR. JEFFRESS: That's what's in the PSR, correct.

14 THE COURT: All right. Then I'll hear first then,  
15 Mr. Prabhu, from the government.

16 MR. PRABHU: Just as to the guideline, Your Honor?

17 THE COURT: As to your position on sentencing.

18 MR. PRABHU: Oh, thank you. As the Court is aware,  
19 we have a plea agreement in this case which we believe that the  
20 Court should follow it, that the sentences should be  
21 concurrent, but this -- the context of this case under the 3553  
22 factors is actually quite unique.

23 George Nader is a 61-year-old man. He's lived most  
24 of his life in international privilege and much acclaim. He's  
25 worked with presidents and princes, the powerful and the

1 infamous, and his public career spans decades in the Middle  
2 East, but that wasn't Mr. Nader's only passion.

3           For decades, Mr. Nader has been interested in images  
4 of children, sexual images, and we often discuss with the Court  
5 how damaging such an interest can be to children as a worldwide  
6 market has developed responding to the prurient interest that  
7 the community tries to serve, and these are images of children  
8 in sexual and physical pain, and that's a particularly  
9 significant context here.

10           The statement of facts in this case talks about  
11 several instances where Mr. Nader participated in that market  
12 of images. In 2018 and 2019, Mr. Nader brought images into the  
13 United States through Dulles and JFK Airports that the  
14 government believes it would prove beyond any reasonable doubt  
15 were child pornography.

16           This most recent conduct, however, was resolved by  
17 Mr. Nader's plea to a charge that involved accessing videos of  
18 child pornography on the internet when he was in New York in  
19 2012. So it's important for the Court to consider that  
20 context, that it's not just about the charge in the  
21 information.

22           2012 was not the first time that Mr. Nader interacted  
23 with law enforcement regarding child pornography. In 1984,  
24 when Mr. Nader was 25 years old, he was investigated and found  
25 to have received child pornography in the mail by federal

1 authorities, but that case was thrown out because the search  
2 that found the pornography was faulty.

3 In 1991, when Mr. Nader was in his early thirties, he  
4 was caught by customs officials when he transported two films  
5 into Dulles Airport. He pled guilty to that in this very  
6 court, and he received a sentence of six months in prison. The  
7 fact that he is a recidivist on this is a very important issue  
8 that the Court should consider.

9 Fifteen or so years later, after the 1991 conviction,  
10 Mr. Nader again came to the attention of federal law  
11 enforcement when he was investigated for possessing child  
12 pornography at his home in Washington, D.C. He was never  
13 charged for that. It is in the PSR, but it was yet another  
14 interaction with law enforcement regarding his interest in  
15 sexual images of children.

16 I raise these issues not to embarrass Mr. Nader or to  
17 shock the Court, but it's clear from the record in this case  
18 that Mr. Nader has had a sexual interest in minors for over 35  
19 years, and a persistent and dangerous interest at that.

20 When Mr. Nader was in his late thirties-early  
21 forties, he had broadened his horizons by exploiting troubled  
22 teen boys for his own sexual gratification, primarily targeting  
23 minor prostitutes overseas. One of these boys, J.B., or Minor  
24 Boy 1 as he's identified in the charging documents, a  
25 14-year-old, is the subject of the second count of conviction.

1 Having enjoyed Minor Boy 1's paid company in Prague, the  
2 defendant paid for him to travel from the Czech Republic to the  
3 United States, where the defendant continued to exploit this  
4 child in the comfort of his U.S. residence.

5 The Court should remember that this 14-year-old boy  
6 was by himself, in a foreign country, where he had no  
7 connections, spoke little English, and completely relied on  
8 Mr. Nader. The boy says that he was taken advantage of  
9 sexually over and over again by the defendant. The defendant  
10 has admitted it happened once.

11 Rather than detailing it here further, Minor Boy 1  
12 has provided the Court with an extensive statement and would  
13 like briefly to address the Court from the Czech Republic,  
14 where he still lives, before the defendant is sentenced.

15 Make no mistake, Mr. Nader is a repeat, hands-on  
16 sexual offender. We know that from Minor Boy 1, but we also  
17 know that from the Czech court that found him guilty of two  
18 counts.

19 Mr. Nader's repeated sexual tourism in Prague  
20 eventually led to his conviction for paid sex with two other  
21 troubled teen boys. The pattern is very clear. The defendant  
22 ended up serving approximately a year in a Czech jail for his  
23 conduct.

24 The record simply demonstrates that Mr. Nader has  
25 been a persistent and dangerous child abuser and voyeur for

1 decades. Considering the defendant's age, physical condition,  
2 and the other 3553 factors, the government has recommended that  
3 the Court sentence Mr. Nader to a period of incarceration of  
4 ten years in prison on each of the counts of conviction and  
5 asks for a lifetime of supervised release.

6 Thank you, Your Honor.

7 THE COURT: Thank you.

8 MR. JEFFRESS: Thank you, Your Honor. We thank the  
9 government for, for the recommendation. We agree that the 3553  
10 factors here, including the guideline calculation and all of  
11 the other factors in this case, support a sentence from this  
12 Court of ten years, including Mr. Nader's health.

13 Your Honor, I would like to -- now that the Court has  
14 ruled on the guidelines, I'd like to address the 3553(a)  
15 factors, and then Mr. Nassikas and I would like to approach  
16 about one issue with the government counsel to address at the  
17 bench with Your Honor's permission.

18 THE COURT: All right.

19 MR. JEFFRESS: Okay. You know, on the 3553 factors,  
20 I think our -- we have disagreements with the government about,  
21 about the pattern that the government states early on, but I  
22 think the more fundamental disagreement is, you know, when  
23 did -- did that pattern continue up and until Mr. Nader 's  
24 arrest in 2018 or 2019, or are these things that he largely put  
25 behind him 20 years ago, and, you know, and then there's -- the

1 most recent allegation is from eight years ago, in 2012.

2           You know, what the -- I think -- and that is really  
3 the big difference for us. You know, in *Pepper v. Hamilton*,  
4 the Supreme Court instructed courts that they could consider  
5 post-offense rehabilitation, they could consider rehabilitation  
6 of the defendant, and really the key question was does the  
7 Court sentence the defendant as he was back when the crime was  
8 committed, which in most cases is much more recent than the  
9 offense committed in this case, or does the Court consider the  
10 defendant as the defendant stands before the Court today.

11           And I think our major difference with the government  
12 is that, you know, Mr. Nader as he stands here today in terms  
13 of the need for specific deterrence, in terms of, you know,  
14 his, his, you know, potential for repeating any of this  
15 conduct, is nonexistent.

16           THE COURT: Well, but aren't we talking, excuse me,  
17 about him still being in possession of these images in a much  
18 more recent time frame?

19           MR. JEFFRESS: Your Honor, we respectfully disagree  
20 with the government and -- we first of all, you know, as we  
21 said, those, in our view, are not relevant conduct in this  
22 case, and I, I think we are correct under the guidelines that  
23 they should not be, respectfully, but more importantly, do they  
24 say that Mr. Nader is the same person that he was back in 2012,  
25 when he did receive child pornography, or earlier, when he had



1 some, some issues of child pornography? And, and it's just  
2 not.

3           The government has thoroughly excavated the entirety  
4 of Mr. Nader's life as he stands -- as he was in 2019, when he  
5 was arrested. They took -- they had six electronic devices  
6 which they subjected to thorough analysis, forensic analysis,  
7 everything else. Anything that they had found on those devices  
8 demonstrating that Mr. Nader was still participating in this  
9 activity, was still participating in the receipt of what is  
10 more convention- -- what is really the child pornography that  
11 we see in almost every case that comes before the Court, that  
12 kind of child pornography, that was not there.

13           What was there was this group of, you know, people in  
14 the Middle East who are -- who talk about all kinds of issues,  
15 political issues, everything else, and then once in a while,  
16 they send each other what they regarded -- and I realize this  
17 is not how the Court looks at it and this is not how the  
18 government looks at it -- but what they regarded as sort of  
19 dirty jokes, that involved minors, yes, that involved minors in  
20 sort of sexual, not sexual but naked situations, that is  
21 totally unacceptable. It probably meets the definition of  
22 obscenity, the government would say, but this is not  
23 pornography.

24           I mean, this is not child pornography that someone  
25 uses to sexually stimulate themselves. This is not what we see

1 in these cases day in and day out. It's just not.

2 And Dr. Berlin's report -- Dr. Berlin is one of the  
3 foremost experts in the world on this stuff, has seen thousands  
4 of child pornography cases -- that was very clearly his  
5 opinion. I've done many of these cases. That is my opinion.  
6 I've never seen a case involving images like this.

7 These images were sent to Mr. Nader on his WhatsApp  
8 messaging platform by lots of different people in the Middle  
9 East who would send him, like, 50 messages, and then one of  
10 those messages would contain one of these sort of what they  
11 regarded as a, you know, very -- what they regarded as sort of  
12 something.

13 There's no evidence that Mr. Nader -- these images  
14 were sent to Mr. Nader sometimes years, sometimes many months  
15 before he came to the United States in, in January of 2018.  
16 These images were -- there is no evidence that Mr. Nader ever  
17 looked at any of these images even twice.

18 There is no, you know, what we think of more as child  
19 pornography on that phone in terms of sexually stimulating  
20 material, there's just -- that's not what this was. And so the  
21 question is, you know, for us is is this part of a continuous  
22 pattern of him using this, this material for, you know, sexual  
23 stimulation, the way almost all child pornography cases are, or  
24 is this something different, and it's very clearly something  
25 different.

1           And, you know, if the government had more, after  
2 excavating all of his devices, after sending agents to really,  
3 you know, different parts of the world to interview witnesses  
4 with respect to Mr. Nader and to investigate his life, the FBI  
5 went to Prague, they went to Czech, I think they went to other  
6 places in pursuit of those cases, that information, that  
7 evidence would be before the Court.

8           But what the evidence shows instead is that in the  
9 last eight years, Mr. Nader has, as he has aged and as he has  
10 realized that his work doing good things for people, doing good  
11 things for peace, doing good things for the United States, you  
12 know, as that work became more important to him, and he did  
13 become more prominent doing that work, was he able to put these  
14 things largely behind him, and he was, Your Honor.

15           And I really, I really hope that that does not get  
16 lost here, because, you know, the question here, the big  
17 question is what is needed for, you know, specific deterrence.  
18 Is anything beyond ten years needed for specific deterrence is  
19 the question at this sentencing, and we would say absolutely  
20 not.

21           This isn't the Nader -- Mr. Nader of 2000, 20 years  
22 ago. This isn't the Mr. Nader of 2012. This is George Nader  
23 as he stands before the Court today, and there's just precious  
24 little evidence in the last eight years he's continued that  
25 pattern.

1           And so, you know, I really -- that's our major  
2           fundamental difference with the government. Much else we don't  
3           have. And I think we agree for various reasons that ten years  
4           is the appropriate sentence largely because of that.

5           THE COURT: All right.

6           MR. JEFFRESS: So, Your Honor, the other issues I do  
7           want to address here, Mr. Nader's, Mr. Nader's health. I know  
8           many times defendants will come before the Court, they'll be  
9           arrested and then after they're arrested, you know, a bevy of  
10          health concerns show up that are then, you know, pled to the  
11          Court as reasons for lenience. Here that is very clearly not  
12          the case.

13          Mr. Nader was -- had open heart surgery, I believe it  
14          was quadruple bypass surgery, in April 19 of 2019, which is  
15          just several months before his arrest in this case. So  
16          obviously, this is not something the defense is pulling out of  
17          its hat and saying please look at this health condition. That  
18          was done there.

19          And the whole reason Mr. Nader was coming to the  
20          United States on the date of his arrest well over a year ago  
21          now, in the beginning of June -- well, yeah, over a year ago in  
22          June of 2019, was he was coming here for cardiac aftercare at  
23          Mt. Sinai Hospital. That was obviously medical treatment that  
24          Mr. Nader never reached because he was arrested at the airport.

25          And so, you know, this is not something that we're

1 inventing. This is something that's very real. For a man who  
2 just had quadruple bypass and who's 61 years old and who also  
3 suffers from, you know, pre-diabetic and some of his other  
4 conditions, his life expectancy is dramatically shortened.

5 And, you know, it's -- and then on top of that, Your  
6 Honor, now we have to add the danger of, of COVID, of COVID-19.  
7 You know, I see that Bureau of Prisons is actually telling  
8 people -- telling courts please don't send people here right  
9 now because of COVID. It's that dangerous within the system.

10 Well, if it's dangerous within the system, then it's,  
11 you know, ten times more dangerous than that to Mr. Nader. He  
12 is extremely susceptible. Having had his heart condition, I  
13 mean, if he goes -- you know, if he has to go on a ventilator  
14 because he contracts COVID within the Bureau of Prisons, then  
15 this will be a death sentence for him.

16 And, you know, you know, ten years under these  
17 circumstances at Bureau of Prisons, under these circumstances  
18 with Mr. Nader, I have real fear that he will not outlive the  
19 sentence that the government has agreed to and that we have  
20 agreed to. I have very much concern. And I just think that is  
21 the reality of the medical situation right now.

22 THE COURT: Well, as you know, I mean, your client,  
23 once he's in the custody of the Bureau of Prisons, can  
24 certainly try to take advantage of the statutes that now  
25 provide for compassionate release.

1 MR. JEFFRESS: Yes.

2 THE COURT: He'll have to first apply to the warden,  
3 and whether or not that's granted is another matter down the  
4 road, but there are certainly options that are available to him  
5 to address those issues.

6 Plus, I note for the record at least as far as I'm  
7 aware, there have been no positive tests at the Alexandria  
8 Adult Detention Center, a real tribute to our sheriff and his  
9 deputies and our marshals as well in their transporting of  
10 prisoners, and so he's actually been in a pretty safe  
11 environment, probably safer than he would have been in New  
12 York, frankly, over the last several months.

13 MR. JEFFRESS: I've made the observation several  
14 times to, to personnel at ADC, that they have done a remarkable  
15 job, because I have several clients there, including Mr. Nader,  
16 and I do understand that they have had a zero infection rate so  
17 far, and that is remarkable, but he will not be there for this  
18 ten-year sentence. He will be in the Bureau of Prisons, and  
19 the Bureau of Prisons has not done a remarkable job at --

20 THE COURT: Well, he may or may not be; I don't know.  
21 I think what's happening right now is a lot of our prisoners  
22 are going to Northern Neck, which also has at last I saw a zero  
23 infection rate, and I understand several of our defendants have  
24 been held there quite a period of time.

25 So whether or not, you know, that happens in

1 Mr. Nader's case, I don't know. That's beyond our control, but  
2 that does appear to be a pattern that we're seeing.

3 MR. JEFFRESS: Sure.

4 THE COURT: What's the status of the charges against  
5 your client in the District of Columbia?

6 MR. JEFFRESS: Your Honor, we have a -- could I  
7 approach on that, Your Honor?

8 THE COURT: Oh, I don't know if we need to do that.

9 MR. JEFFRESS: Okay. They're pending.

10 THE COURT: They're pending. That's -- okay. But  
11 there's no detainer or anything that's been filed out of that  
12 court?

13 MR. JEFFRESS: I'm sorry, Your Honor?

14 THE COURT: Is there a detainer or any kind of  
15 process?

16 MR. JEFFRESS: There is a detainer on him there.

17 THE COURT: All right.

18 MR. JEFFRESS: You know, I raise that issue with the  
19 prosecutors. We are in communication with them about what  
20 happens here, obviously, and, you know, if there's something  
21 that can be done to avoid him going to the D.C. Jail, I  
22 absolutely -- that would be a disaster, so that would be my  
23 foremost concern there is that -- to avoid that situation.

24 THE COURT: All right.

25 MR. JEFFRESS: Yeah. But even, you know, even

1 just -- even if we took the COVID out of the equation, you  
2 know, just having had open heart surgery and having come here  
3 for that purpose, that standing alone would, I think, you know,  
4 it would rightly give the government, I think, concern about  
5 the length of the sentence, the overall length, and it gives me  
6 great concern that ten years is -- and that is another reason  
7 why I think we're mutually agreeing to propose this sentence of  
8 ten years.

9           Your Honor, the last year, you know, has -- is  
10 extremely -- has been extremely hard. He -- Mr. Nader does not  
11 have any family here. His sister is, as the Court is aware,  
12 his family is -- his sister, who he is very close to, Leila  
13 Nader, is in Lebanon. His brother is in California but is, you  
14 know, that's fairly far away, especially, you know, during  
15 recent times when people cannot travel.

16           He's just been totally taken away from everyone who  
17 he loves the most and who loves him the most. You know, it is  
18 my worst nightmare to be taken away from my family so that I  
19 cannot communicate with them except by phone, I cannot touch  
20 them, I cannot see them. He has not been able to see any  
21 family member or, you know, friend in over a year. The only  
22 people he gets to see are me and, you know, his -- on video and  
23 the people at the jail. It's been very hard.

24           After the plea in January, for his own safety, he was  
25 moved to administrative segregation, which is the reason they



1 gave us, so that's been since January, so for quite a long time  
2 now. In administrative segregation, you're allowed out two  
3 hours a day. Other than that, you're restricted to a tiny  
4 cell. You're not allowed any contact with other human beings.

5           You basically have to just rely on your own faculties  
6 and company, and, you know, Mr. Nader has -- I think he's  
7 gotten into meditation to -- in order to endure that, but it's  
8 been very hard. Especially with COVID and everything else,  
9 there have been even greater restrictions at ADC, and it's  
10 enabled them to maybe have a zero infection rate, but it's very  
11 hard on the people there, especially the ones that are put in  
12 solitary confinement, which is essentially what administrative  
13 segregation is except for those, those two hours a day he's  
14 been let out. So it's just been extremely difficult.

15           I know that the Court is aware that we have worked  
16 hard to make restitution. We have agreed to a -- Mr. Nader has  
17 agreed to a restitution amount to the victim, the victim in  
18 this case from 2000, who's the only victim that has come  
19 forward in this case, and, and, you know, that's -- we've  
20 agreed to that in the amount of \$150,000, Your Honor, which,  
21 frankly, is much higher than the other restitution cases that  
22 we were able to find from this district. It is the highest,  
23 actually, even though I don't think by far the conduct is the  
24 worst that we see in these cases. We cited those cases in our  
25 brief.

1           So it is a truly substantial amount, I think, and,  
2           you know, that is part of his process of making amends here.  
3           So we'd ask the Court to consider that as well in imposing the  
4           sentence and, and hopefully the jointly recommended sentence of  
5           ten years.

6           THE COURT: All right.

7           MR. JEFFRESS: Your Honor, there's one other issue  
8           that we wanted to -- Mr. Nassikas and I wanted to approach on.

9           THE COURT: Well, here's what we're going to do  
10          logistically: Do we have headsets we can use for the  
11          defendant? Do we have a headset for the defendant, headset?

12          We're going to -- this is going to be difficult  
13          because we're also on a live phone hookup, all right? Is it  
14          something the Court needs to consider before the sentence is  
15          actually imposed, or can it be sent to the Court via a written,  
16          under seal communication?

17          MR. NASSIKAS: Your Honor, I think it's best before  
18          sentence is imposed.

19          THE COURT: All right. I'm going to have you-all  
20          come over with masks to the side. My court reporter will do  
21          the best that she can, but we need to try to get a headset for  
22          the defendant so he can hear. There'd just be too many people  
23          in the one corner to practice the appropriate distancing that  
24          we're requiring in the courthouse.

25          So first of all, Mr. Nader, can you hear me right

1 now?

2 THE DEFENDANT: Yes.

3 THE COURT: Well, you may not be able to -- you may  
4 not be able to hear me actually once we're over here. I won't  
5 have a microphone, so actually the headset is not going to  
6 work. Are you willing to have your counsel speak to the Court  
7 without your being present to hear it?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: All right, that's fine.

10 Then, Mr. Nassikas and Mr. Jeffress, get your masks  
11 on. Do I need both of you actually, or do I only need one  
12 attorney?

13 MR. JEFFRESS: No, Mr. Nassikas can do it, Your  
14 Honor. That's fine.

15 THE COURT: All right. Mr. Prabhu and Ms. Thomson,  
16 I'll ask you to get as close as you're comfortable so that you  
17 can still hear, all right?

18 (Sealed bench conference not transcribed in this volume.)

19 \* \* \* \* \*

20 THE COURT: All right. Mr. Prabhu, was there  
21 anything further that you wanted to say in response to anything  
22 raised by defense counsel?

23 MR. PRABHU: No. I was just going to note that the  
24 victim is interested in making a statement.

25 THE COURT: Yes, that's the next step. All right.

1 MR. PRABHU: Great. Thank you.

2 THE COURT: The victim is in the Czech Republic. We  
3 have an interpreter whose sole job, as I understand it, is  
4 going to be to read the letter which the victim has written. I  
5 guess he wrote it in Czech?

6 THE INTERPRETER: Yes.

7 THE COURT: All right. So what's going to happen  
8 first is let's have our interpreter affirmed.

9 ZUZANA ARATA, CZECH INTERPRETER, AFFIRMED

10 THE COURT: All right. And actually, ma'am, for the  
11 record, what is your -- take the mask off so we can hear it  
12 clearly. What is your name?

13 THE INTERPRETER: Zuzana Arata.

14 THE COURT: Can you spell the last name?

15 THE INTERPRETER: A-r-a-t-a.

16 THE COURT: All right. I think when you read the  
17 letter, I'll ask you to go to the podium since we have the face  
18 guard there.

19 THE INTERPRETER: Okay.

20 THE COURT: Then you don't have to wear the mask, all  
21 right?

22 THE INTERPRETER: Okay.

23 THE COURT: All right? But in the meantime, my  
24 understanding is that the victim is on the phone, and he is  
25 going to make his statement in Czech, and then the statement --

1 the version of the statement will then be translated for us all  
2 at one time by the interpreter, all right?

3 So if our victim would like to be heard, this is his  
4 opportunity.

5 Hello, can you hear us?

6 THE VICTIM: (Inaudible).

7 THE COURT: This is your chance to say -- make the  
8 statement which you've prepared for court, please.

9 THE VICTIM: (In English) Can I start right now?

10 THE COURT: You may start now, yes.

11 THE VICTIM: (In English) Okay. Thank you. I will  
12 say it in Czech, right. So I'll start now.

13 (Victim made statement in Czech.)

14 THE VICTIM: (In English) That was all. Thank you to  
15 everybody for your time.

16 THE COURT: All right, thank you for your statement.  
17 We'll now have the interpreter go to the podium and read the  
18 statement in English.

19 THE VICTIM: (In English) Thank you.

20 THE COURT: Please take your mask off. It will be  
21 hard to hear you.

22 THE INTERPRETER: Sorry.

23 "Hello. My name is Jan K. First of all, I would  
24 like to thank you for the opportunity to make a statement  
25 regarding the case of George Aref Nader and to have the

1 opportunity to listen to the entire process. It has been a  
2 long journey, and for me it still will be.

3 "My health is bad. After returning from the U.S. in  
4 2000, I had stomach ulcers, bad teeth. I stopped eating and  
5 started having nightmares. Unfortunately, I continue having  
6 these problems until now, and many more health problems due to  
7 stress.

8 "It was hell for me in the institute due to my  
9 status -- a prostitute from the USA. I was an object of  
10 ridicule and bullying. I had plenty of time there to think of  
11 how George deceived and abused me and sent me to David in  
12 Monterey, who also abused me several times.

13 "After I was released from the institution in 2002, I  
14 started school but I was not capable of functioning normally,  
15 to sleep and to be in an acceptable mood, not to vomit what  
16 I've eaten. I was forced to end my studies.

17 "I started inquiring if there is a hope for me to  
18 tell someone all that happened. I did have one such  
19 possibility with the Czech police, who visited me at the  
20 institution, when they arrested George in the Czech Republic.  
21 Unfortunately, due to fear and insecurity, I did not do it at  
22 that time. I hated myself and was ashamed of myself.

23 "I wanted very much to have my own family. I hoped  
24 that my own child will help me forget my past. After the birth  
25 of my son, rather than relief, I started to feel even worse. I

1 began to wonder if I can ever handle it. I definitely did not  
2 want to allow that such an event could be repeated with my  
3 son -- to be without a father, without supervision, without  
4 nurture, without love, in power of people like George.

5 "In 2012, I decided to risk my family's future, and  
6 in spite of their protests, I sold our car, I used the money  
7 saved for my teeth and traveled to California to report  
8 everything to the police. My wife always stands by me, even  
9 though sometimes it's very hard on her.

10 "After my return from the USA, I felt a hope that  
11 something started happening, but over time, everything seems to  
12 have stopped. Only after six years, in 2018, the FBI contacted  
13 me and everything started moving again.

14 "As of February 2020, I have not been able to go to  
15 work. I would like to have everything behind me and to be  
16 again a full-fledged father to my children and partner to my  
17 wife, and not to constantly burden them with my problems.

18 "We have agreed with George upon a compensation. It  
19 is less than I was asking for, but no doubt this money will  
20 help me to solve at least a part of the problems which I have  
21 had for the long 20 years. Unfortunately, I will never get rid  
22 of some illnesses and will carry them to my death.

23 "George destroyed practically my entire life, which  
24 I'm trying to put back together piece by piece. I have a  
25 wonderful family, and I believe that they will help me and

1 stand by me in restoring my soul and health.

2 "In conclusion, I would like to thank the help of the  
3 FBI, the translator, and my legal representative for their  
4 willingness and helpfulness. I hope that since we have all  
5 spent so much time, strength, emotions, and health problems,  
6 the conclusion will be a learning lesson. To abuse a child, to  
7 practically kidnap it and destroy his entire life, is not  
8 right.

9 "Once more, I'd like to thank the Court for allowing  
10 me to share everything with you. I feel a small measure of  
11 relief.

12 "Jan."

13 THE COURT: Thank you, ma'am.

14 All right, Mr. Nader, come up to the lectern. This  
15 is your chance, Mr. Nader, to say anything you'd like the Court  
16 to consider before sentence is imposed, and yes, you may remove  
17 the mask.

18 THE DEFENDANT: Thank you. Thank you, Your Honor,  
19 for giving me the chance to address this Honorable Court. I'm  
20 sorry to all involved, and there is nothing else. I say today,  
21 nothing else. I say today it is that.

22 The last year has been the most difficult of my life,  
23 Your Honor. As you know, America is my adopted country, but  
24 it's not my home. While I take great pride in the professional  
25 life I've had here and the work I have done for the United



1 States over the course of decades, my family and the people  
2 whom I love and who I care for, who I care about me the most,  
3 are back home in Lebanon and in the Middle East. I've not been  
4 able to see any of them in over a year now. Not being able to  
5 see any of them, whom I love very much, has been very painful  
6 for me.

7 The only human relationship I have here was my  
8 attorney and some other inmates and guards in the jail, whom I  
9 have tried to help whenever I can. Missing my family has been  
10 the worst part of all of this for me.

11 I have listened to what's been said about me, and I  
12 can say that I'm sincerely deeply sorry for the pain and  
13 suffering I have caused. Please know that I will continue to  
14 do everything possible to make things right in every respect.

15 And I am deeply, sincerely sorry that my action have  
16 required Your Honor, the Court, to take up time with me. I  
17 hope you are able to see my true effort to stay on correct path  
18 in recent years, much before my arrest in 2019. This was  
19 something very deliberate and sincere by me and was not just  
20 because I didn't want to end up in that -- in this position  
21 before a court. It was also because I know I can use my  
22 talents in order to truly help people, and I was not able to do  
23 that to my greatest potential while struggling with these  
24 issues, and I'm certainly not able to help people the most from  
25 inside the jail or prison.

1           Please, Your Honor, believe me when I say that there  
2 will be no need for me to ever be before a court anymore  
3 anywhere in the world ever again. With my greatest sincere  
4 apologies and greatest respect to you, Your Honor, and this  
5 country, thank you very much.

6           THE COURT: All right. Mr. Nader, stay there,  
7 please. I want to go over some documents with you. First of  
8 all, you have signed along with your counsel and Mr. Prabhu an  
9 amendment to the plea agreement; is that correct?

10           THE DEFENDANT: Yes, Your Honor.

11           THE COURT: All right. And under that amendment,  
12 you've asked that a portion of the second paragraph of  
13 section 9 of the plea agreement is amended as follows, and it  
14 says: "At this time, the defendant specifically acknowledges  
15 that J.B. of the Czech Republic is a victim who is entitled to  
16 restitution in an amount to be determined." That was in the  
17 original, and now that has been amended, as I understand it, to  
18 be the following:

19           "At this time, the defendant specifically  
20 acknowledges that J.B. of the Czech Republic is a victim who is  
21 entitled to restitution. Victim J.B.'s specific loss amount  
22 has been determined to be \$150,000. Pursuant to 18 U.S.C.,  
23 section 3663(a)(3), the defendant agrees to pay restitution in  
24 the amount of \$150,000 to J.B.

25           "In all other respects, the plea agreement should

1 remain as entered previously."

2 And you have agreed to that, correct?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: All right. Then I will make sure that  
5 that is made part of the actual plea agreement.

6 You have also then signed a consent order -- I'm  
7 sorry, you have signed the restitution order, and the only  
8 thing I'm adding, my understanding is that you have agreed that  
9 this is going to be paid in full no later than 60 days from the  
10 entry of this order.

11 Is that your understanding of what you've agreed to?

12 THE DEFENDANT: Yes, that is my understanding.

13 THE COURT: I'm checking the box that if that is not  
14 done, then interest will accrue on the judgment, and I have  
15 signed it.

16 And the last document you have signed is a consent  
17 order of forfeiture in which you are forfeiting three iPhones.  
18 Is that your understanding?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: All right. All right. Well, the Court  
21 has listened carefully to counsel, we've listened to the victim  
22 today, and the victim also did submit a much longer statement  
23 which is part of the record in this case. It may be under  
24 seal; I can't recall. I think it is, for appropriate reasons.

25 But I am satisfied, as I said at the very beginning,

1 that the plea agreement, which included a nonbinding  
2 recommendation that the Court sentence you to ten years, is  
3 sufficient but not greater than necessary to achieve the  
4 purposes of Section 3553(a) of Title 18 of the United States  
5 Code.

6 I have taken into consideration your age, your health  
7 conditions, your past record of good works, because as is often  
8 the case with people in our court who are being sentenced,  
9 there's both good and bad, and we have to take all of that into  
10 consideration. And I also have taken into consideration some  
11 of the matters that Mr. Nassikas mentioned of which I was  
12 already previously somewhat aware in concluding that the  
13 ten-year sentence is appropriate at this time.

14 Therefore, it is the sentence of the Court as to each  
15 of Counts 1 and 2 that a sentence of ten years in the custody  
16 of the Bureau of Prisons, to be served concurrent, that means  
17 it's a total of ten years, with credit for the time you've been  
18 serving, as I said, is sufficient but not greater than  
19 necessary to achieve the purposes of federal law.

20 I am going to require that you serve a life term of  
21 supervised release. I know that counsel, I think, only asked  
22 for five years, but I think in this case, the government's  
23 recommendation is more appropriate.

24 Now, the terms and conditions of the life period of  
25 supervised release, which is concurrent on both counts of

1 conviction, is first of all you must be of uniform good  
2 behavior, which means you may not violate any federal, state,  
3 or local laws.

4 Do you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: And secondly, you must follow all the  
7 conditions of supervision, which will be printed on the  
8 judgment order and explained to you by the Probation Office.

9 Do you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: Now, there are many special conditions of  
12 the supervision, and I want to make sure this is clear. My  
13 understanding is that the defendant will be permitted to leave  
14 the United States while he's on supervised release once you  
15 have finished whatever prison sentence you have.

16 At any point, though, should you come back to the  
17 United States, then you are going to have to comply with all of  
18 the additional conditions that are going to be printed on the  
19 judgment order, and so those will include the following:

20 You must within 48 hours contact the United States  
21 Probation Office in this district. Do you understand that?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: And then you will be required to comply  
24 with all of the following conditions: Number 1, you must  
25 comply fully with the requirements of the Sex Offender

1 Registration and Notification Act, and that means that you must  
2 register with the state sex offender registration agency for  
3 any state in which you may reside, work, attend school, or in  
4 any other respect be required to register.

5 Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: All right. You will be required to  
8 participate in such mental health evaluation and treatment  
9 programs, including a psychosexual evaluation and sex offender  
10 treatment, as directed by the Probation Office.

11 Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: And the costs of that program and any  
14 treatment modalities you will have to pay. Do you understand  
15 that?

16 THE DEFENDANT: Yes.

17 THE COURT: You will have to -- you are not permitted  
18 to engage in any employment or volunteer services that would  
19 give you access either to computers or to minors. Do you  
20 understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: You may not purchase, possess, or in any  
23 respect have access to any materials involving young juvenile  
24 models under the age of 18 which would be considered to be  
25 pornographic. Do you understand that?

1 THE DEFENDANT: Yes.

2 THE COURT: You may not have any contacts with minors  
3 unless there is a responsible adult present, and you have to  
4 make sure that the Probation Office is advised as to such  
5 contacts. Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: All right. You will be required to  
8 comply with the Probation Office's computer monitoring program,  
9 and that would involve among other things your giving consent  
10 to the installation of computer monitoring software on any  
11 computer to which you have access, and that would be done by  
12 the Probation Office.

13 Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: All right. And there are restrictions on  
16 how you can use your computer. All right.

17 I'm going to find in this case that you are capable  
18 of paying the minimum fine of \$25,000, so the Court is imposing  
19 the \$25,000 fine. Although the restitution is a significant  
20 amount, I am satisfied that your resources do enable you to pay  
21 the fine as well.

22 That's due and payable immediately; however, if it is  
23 not paid immediately, within 60 days of your release from  
24 custody, you must begin paying minimum payments of \$500 a month  
25 towards the fine obligation.

1 Do you understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: All right. The Court finds that other  
4 than this, there is no other financial obligations for you to  
5 cover the costs of incarceration, supervision, or any of the  
6 statutory fines other than the 25,000, and that's on both  
7 counts concurrent. So that's the total. But there are --  
8 there is a \$100 special assessment per count of conviction, for  
9 a total of \$200 of special assessments, and that must be paid  
10 immediately.

11 Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: All right. There is no history of drug  
14 abuse, so the mandatory drug testing is not imposed, but the  
15 Probation Office can demand a drug test from you, and you must  
16 comply. Do you understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: All right. Counsel, Mr. Jeffress, you  
19 can stay there. Just speak up loudly. Did you want the Court  
20 to make any kind of a recommendation as to a facility for  
21 incarceration?

22 MR. JEFFRESS: Thank you very much. Yes, Your Honor.  
23 We would like FCI Petersburg, which has a program and also is  
24 close enough so that he can stay in touch with counsel.

25 THE COURT: All right, FCI Petersburg will be our



1 recommendation.

2 And is there anything else, counsel, that we need to  
3 address? Anything, anything else from the government?

4 MR. PRABHU: Nothing from the government, Your Honor.

5 MR. JEFFRESS: Not for defense, Your Honor. Thank  
6 you.

7 THE COURT: How about from probation? Anything  
8 further that we need to address?

9 THE PROBATION OFFICER: No, Your Honor.

10 THE COURT: No? All right, then the defendant is  
11 remanded at this time, and we'll call the next case. Thank  
12 you.

13 THE DEFENDANT: Thank you.

14 (Which were all the proceedings  
15 had at this time.)

16

17 CERTIFICATE OF THE REPORTER

18 I certify that the foregoing is a correct transcript of  
19 the record of proceedings in the above-entitled matter.

20

21

22

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24

25

/s/  
\_\_\_\_\_  
Anneliese J. Thomson